

MINUTE SUMMARY

Board of Directors Meeting

September 1, 2010

Start Time: 9:30 a.m.

LOCATION

**San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA**

Board of Directors

President

Brad Mitzelfelt, Supervisor
County of San Bernardino

Vice-President

Bea Cortes, Council Member
City of Grand Terrace

Charley Glasper, Mayor
City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Julie McIntyre, Mayor Pro Tem
City of Barstow

Bill Jahn, Mayor Pro Tem
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Ed Graham, Vice Mayor
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

John Roberts, Council Member
City of Fontana

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Council Member
City of Highland

Rhodes "Dusty" Rigsby, Mayor
City of Loma Linda

Paul Eaton, Mayor
City of Montclair

Jeff Williams, Mayor
City of Needles

Alan Wapner, Mayor Pro Tem
City of Ontario

Diane Williams, Council Member
City of Rancho Cucamonga

Patricia Gilbreath, Mayor
City of Redlands

Ed Scott, Council Member
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Jim Harris, Mayor Pro Tem
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Ryan McEachron, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

William Neeb, Council Member
Town of Yucca Valley

Gary Ovitt, Supervisor
County of San Bernardino

Paul Biane, Supervisor
County of San Bernardino

Neil Derry, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Ray Wolfe, Caltrans
Ex-Officio Member

Deborah Robinson Barmack
Executive Director

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

September 1, 2010

9:30 a.m.

Location:

**San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby, 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Called to Order - 9:40 a.m. by Brad Mitzelfelt

I Pledge of Allegiance

II. Attendance

**Charley Glasper, Adelanto
Ginger Coleman (Alt), Apple Valley
Julie McIntyre, Barstow
Bill Jahn, Big Bear Lake
Dennis Yates, Chino
Ed Graham, Chino Hills
*Kelly Chastain, Colton
John Roberts, Fontana
Bea Cortes, Grand Terrace
Thurston Smith (Alt), Hesperia
Larry McCallon, Highland
Rhodes 'Dusty' Rigsby, Loma Linda
Paul Eaton, Montclair
Jeff Williams, Needles
Alan Wapner, Ontario**

***Arrived during Closed Session**

**Patricia Gilbreath, Redlands
Ed Scott, Rialto
Patrick Morris, San Bernardino
Jim Harris, Twentynine Palms
Ryan McEachron, Victorville
Richard Riddell, Yucaipa
William Neeb, Yucca Valley
Paul Biane, County of San Bernardino
Neil Derry, County of San Bernardino
Brad Mitzelfelt, County of San Bernardino
Gary Ovitt, County of San Bernardino
Josie Gonzales, County of San Bernardino
Christy Connors, Caltrans District 8
Jean-Rene Basle, SANBAG Counsel
Deborah Robinson Barmack, SANBAG**

- III. **Announcements:** The new traffic signal at Bear Valley Road and Fish Hatchery Road in Victorville and the opening of the Cypress Overcrossing in the City of Fontana were announced. Also announced was the cancellation of the Commuter Rail & Transit Committee meeting scheduled for September 23. Open Houses regarding the Redlands 1st Mile Passenger Rail Project are scheduled for September 13 in Redlands and September 14 in San Bernardino. Unmet Needs Transit Hearings have been scheduled September 20 at 9:30 a.m. in Victorville and September 23 at 5:00 p.m. in the Morongo Basin. The Annual Mobility 21 Summit will be held October 29 in Anaheim. The City Selection Committee will meet today at 11:00 a.m. immediately following the SANBAG Board meeting. Mitch Alderman announced that Kevin Kane was named Executive Director of the Victor Valley Transit Authority.
- IV. **Agenda Notices/Modifications – Agenda Item 21** was revised to correct the expiration date of the contract.
- V. **Board Member Alan Wapner** brought before the Board a request to add an Urgency Agenda Item related to supporting SCAG’s recommendation to the City of Los Angeles to transfer operating control of Ontario International Airport to the City of Ontario. A finding was made that the action came after the posting of the agenda and that it was an urgency item that needed to be taken up at this time. Motion by Mayor Pro Tem Wapner and Second by Council Member McCallon to add the urgency agenda item after the consent calendar. Motion carried unanimously.

Notes/Actions:

1. **Possible Conflict of Interest Issues for the Board Meeting of Pg. 15
September 1, 2010**

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

***Note the following abstentions:**

Supervisor Neil Derry abstained on Agenda Item 14 stating a financial interest, and Agenda Items 15 and 16 stating a disqualifying campaign contribution in excess of \$250.

Supervisor Josie Gonzales abstained on Agenda Items 10, 15 and 16 stating a disqualifying campaign contribution in excess of \$250.

Supervisor Paul Biane abstained on Agenda Items 10, 15 and 16 stating a disqualifying campaign contribution in excess of \$250.

Mayor Pat Morris abstained on Agenda Item 17 stating a disqualifying campaign contribution in excess of \$250.

Supervisor Gary Ovitt abstained on Agenda Items 15 and 16 stating a disqualifying campaign contribution in excess of \$250.

***See Notes**

Notes/Actions:

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under Agenda Item 29.

MOVED:

Jahn

SECOND:

Cortes

26-0-0

Administrative Matters

- | | | |
|---|--------|-----------------------------|
| 2. Board of Directors Attendance Roster | Pg. 17 | Information Only |
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| 3. July 2010 Procurement Report
Receive Monthly Procurement Report. William Stawarski
This item was reviewed and received by the Administrative Committee on August 11, 2010. | Pg. 21 | Information Only |
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| 4. Investment Policy No. 20100
Approve changes in existing SANBAG Investment Policy No. 20100. William Stawarski
This item was reviewed by the Administrative Committee on August 11, 2010 and unanimously recommended for approval. | Pg. 23 | Approved Consent |
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 | | |
| 5. Contract for Insurance Brokerage Services
Approve Amendment No. 1 to Contract No. 08003 with the firm Willis (formerly HRH) to extend the terms of the contract through December 1, 2012 in an amount of \$80,000 for a total of \$215,000 (not including insurance premium amounts that are subject to bids). William Stawarski
This item was reviewed by the Administrative Committee on August 11, 2010 and unanimously recommended for approval. | Pg. 32 | Approved Consent |
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| 6. Measure I Revenue
Receive Report on Measure I receipts for Measure I 1990-2010. William Stawarski
This item was reviewed and received by the Administrative Committee on August 11, 2010. | Pg. 37 | Received & Filed |
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 | | |
| 7. Independent Taxpayer Oversight Committee (ITOC) Selection Process Update
Approve the modification to the Independent Taxpayer Oversight Committee (ITOC) selection schedule. Duane Baker
This item was reviewed by the Administrative Committee on August 11, 2010 and unanimously recommended for approval. | Pg. 42 | Approved Consent |

Consent Calendar Continued....**Administrative Matters (Cont.)**

8. **Disadvantaged Business Enterprise (DBE) Annual Goal Preparation and Additional DBE Services** Pg. 44 **Approved Consent**
- Approve C10-193 with GCAP Services, Inc. for Disadvantaged Business Enterprise (DBE) Annual Goal Preparation and Additional DBE Services in the amount of \$25,000 with a contingency amount of \$2,500 for a total not-to-exceed contract amount of \$27,500. **Duane Baker**
- This item was reviewed by the Administrative Committee on August 11, 2010 and unanimously recommended for approval.
9. **Invitation for Bid to Repair and Fog-Coat the Exterior of the San Bernardino Santa Fe Depot** Pg. 70 **Approved Consent**
- Approve Scope of Work and authorize staff to release the Invitation for Bids C11014 to Repair and Stucco Fog-Coating to the Exterior of the San Bernardino Santa Fe Depot. **Duane Baker**
- This item was approved by the Administrative Policy Committee on July 14, 2010. SANBAG Counsel has reviewed and approved the Invitation For Bid (IFB) as to form.

Regional & Quality of Life Programs

10. **Amendments to two contracts to exercise second year option of Freeway Service Patrol (FSP) Services** Pg. 88 **Approved Consent**
1. Approve Amendment No. 2 to Contract 07-108 with JLM Towing Services, Inc., to exercise the second year option of their existing contract, which would extend the contract term to February 29, 2012, as well as increase the contract not-to-exceed amount by \$183,348 for a total contract amount of \$934,020, as identified in the Financial Impact Section below; and
2. Approve Amendment No. 2 to Contract 07-107 with Pepe's Towing Services, Inc., to exercise the second year option of their existing contract, which would extend the contract term to December 31, 2011, as well as increase the contract not-to-exceed amount by \$182,619 for a total contract amount of \$999,230, as identified in the Financial Impact Section below. **Kelly Lynn**
- This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee at its August 18, 2010, meeting. The item and two contract amendments have been reviewed by Legal Counsel as to form.
- 24-0-2**
ABSTAINED:
Gonzales
Biane

Consent Calendar Continued....

Subregional Transportation Planning & Programming

- 11. Sustainable Communities Planning Grant and Incentives Program** Pg. 98

Adopt resolution No. RES11005 approving SANBAG's application for grant funds for the Sustainable Communities Planning Grant and Incentives Program. **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on August 18, 2010.

Approved Consent

Program Support/Council of Govts.

- 12. Support for the Inland Empire Economic Recovery Corporation** Pg. 102

Approve continued support for the foreclosure prevention seminars and other outreach efforts through a contribution to the Inland Empire Economic Recovery Corporation (IEERC) in an amount not to exceed \$50,000 for Fiscal Year 2010/2011 and approve an expenditure from Task 49011000 (Council of Governments-New Initiatives) not to exceed \$50,000. **Duane Baker**

This item was reviewed by the Administrative Committee on August 11, 2010 and unanimously recommended for approval.

Mayor Pro Tem Wapner removed this item from the Consent Calendar to request a brief report on the effectiveness of the program. This item was heard after Agenda Item 28.

**MOVED:
Wapner
SECOND:
Yates
26-0-0**

- 13. State Legislative Update** Pg. 104

1) Adopt a SUPPORT position on AB 2098 (Miller) and any future related legislation for best-value design-build on the SR-91 Corridor Improvement Project (CIP) in Riverside County; and

2) Receive and file updates on the Self-Help Counties Coalition, State Budget, and State Legislation of interest to SANBAG. **Aaron Hake**

This item was received by the Administrative Committee on August 11, 2010 and unanimously recommended for approval.

Approved Consent

Consent Calendar Continued....**Program Support/Council of Govts. (Cont.)****14. Financing Team and Contracts for Bond Counsel, Disclosure Counsel and Financial Advisor Pg. 109**

1. Amend and approve the following Financing Team to July 5, 2013:

- Bank of America Merrill Lynch-investment banking services
- Barclays Capital-Investment Banking Services
- Citigroup (Citi)-Investment Banking Services
- Goldman, Sachs & Co-Investment Banking Services
- De La Rosa & Co-Investment Banking Services
- Orrick Herrington & Sutcliffe, LLP-Bond Counsel
- Nossaman, LLP-Disclosure Counsel
- Montague, DeRose and Associates, LLC-Financial Advisor

2. Amend the following contracts:

- A. Approve Amendment No. 1 to Contract 07-009 with Orrick Herrington & Sutcliffe, LLP, for Bond Counsel, increasing the contract total amount from \$150,000 to \$300,000 and exercising the option to extend the contract to July 5, 2013.
- B. Approve Amendment No. 1 to Contract 07-010 with Nossaman LLP, for Disclosure Counsel, increasing the contract total amount from \$100,000 to \$200,000 and exercising the option to extend the contract to July 5, 2013.
- C. Approve Amendment No. 2 to Contract 07-011 with Montague, DeRose and Associates, LLC, Financial Advisor, increasing the contract total amount from \$350,000 to \$550,000 and exercising the option to extend the contract to July 5, 2013. **William Stawarski**

This item was reviewed by the Administrative Committee on August 11, 2010 and unanimously recommended for approval.

**Approved Consent
25-0-1**

**ABSTAINED:
Derry**

Project Development**15. Amendment to Contract No. C09100 with AECOM Technical Services, Inc. for construction engineering support on Interstate 215 (I-215), Segments 1 and 2 project Pg. 121**

Approve Amendment No. 1 to SANBAG Contract No. C09100 with AECOM Technical Service, Inc. for construction engineering support on I-215, Segments 1 and 2 to increase the total amount of the contract by \$1,800,000 to a total not-to-exceed contract amount of \$2,200,000.00, and to approve the assignment of the contract from DMJM+Harris, Inc. to AECOM Technical Services Inc. **Garry Cohoe**

This item was reviewed and recommended for approval (14-0-1; Abstained: Supervisor Derry), by the Major Projects Committee on August 12, 2010. SANBAG Counsel has reviewed and approved the agreement as to form.

**Approved Consent
22-0-4**

**ABSTAINED:
Derry
Gonzales
Ovitt
Biane**

Consent Calendar Continued....

Project Development (Cont.)

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| <p>16. Amendment to Contract No. C04008 with AECOM Technical Services, Inc. for construction engineering support on Interstate 215 (I-215), Segment 5 and State Route 210 (SR-210), Segment 11 project</p> <p>Approve Amendment No. 6 to SANBAG Contract No. C04008 with AECOM Technical Service, Inc. for construction engineering support on I-215, Segment 5 and SR 210 Segment 11 project to increase the total amount of the contract by \$450,000 for a total not-to-exceed contract amount of \$5,731,673.30, and to approve the assignment of the contract from DMJM+HARRIS, Inc. to AECOM Technical Services, Inc. Garry Cohoe</p> <p>This item was reviewed and recommended for approval (14-0-1; Abstained: Supervisor Derry), by the Major Projects Committee on August 12, 2010. SANBAG Counsel has reviewed and approved the agreement as to form.</p> | <p>Pg. 128</p> | <p>Approved Consent 22-0-4
 ABSTAINED:
 Derry
 Gonzales
 Ovitt
 Biane</p> |
| <p>17. Construction and Maintenance Agreement with Burlington Northern, Santa Fe Railroad (BNSF) and Caltrans for the Interstate 215 (I-215), Segment 1 Redlands Loop Overhead</p> <p>Approve increase in funds for BNSF flagging and inspection services as defined by the Construction and Maintenance Agreement (No. C08078) with BNSF and Caltrans in an amount of \$200,000 for a new estimated total amount of \$288,467.00. Garry Cohoe</p> <p>This item was reviewed and recommended for approval (14-0-1; Abstained: Mayor Morris), by the Major Projects Committee on August 12, 2010. SANBAG Counsel has reviewed and approved the agreement as to form.</p> | <p>Pg. 136</p> | <p>Approved Consent 25-0-1
 ABSTAINED:
 Morris</p> |

Transit/Commuter Rail

- | | | |
|---|----------------|--------------------------------|
| <p>18. Administrative Function for Victor Valley Transit Authority</p> <p>Receive update on SANBAG's assistance with the In-House Administrative process for Victor Valley Transit Authority (VVTa). Mitch Alderman</p> <p>This item was reviewed and received by the Commuter Rail and Transit Committee on August 19, 2010.</p> | <p>Pg. 138</p> | <p>Information Only</p> |
|---|----------------|--------------------------------|

Consent Calendar Continued....**Transit/Commuter Rail (Cont.)**

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|---|---------|------------------|
| 19. Comprehensive Operational Analysis (COA) of Omnitrans Services
Authorize staff to release a Request for Proposals (RFP) 11044 for a Comprehensive Operational Analysis of Omnitrans Services.
Mitch Alderman

This item was reviewed by the Commuter Rail and Transit Committee on August 19, 2010 and unanimously recommended for approval. | Pg. 144 | Approved Consent |
| 20. Legal Services for E Street sbX Right-of-Way Acquisition
Authorize staff to release a Request for Proposals RFP 11049 for legal services related to the acquisition of right-of-way needed for the E Street sbX project. Ryan Graham

This item was reviewed by the Commuter Rail and Transit Committee on August 19, 2010 and unanimously recommended for approval. | Pg. 156 | Approved Consent |
| 21. Amendment No. 1 to Contract C09114 with Paratransit Inc.
Approve Amendment No. 1 to Contract C09114 with Paratransit Inc., doing business as Innovate Paradigms, for the design study of the Consolidated Transportation Services Agency, to increase the total amount of the contract by \$100,000 for a not-to-exceed contract amount of \$199,477.73 and to extend the contract term to April 30, 2011 December 31, 2011 . Mitch Alderman

This item was reviewed by the Commuter Rail and Transit Committee on August 19, 2010 and unanimously recommended for approval.

Agenda Item revised to extend the contract term to April 30, 2011 instead of December 31, 2011. | Pg. 159 | Approved Consent |
| 22. The Consolidated Transportation Services Agency (CTSA) for the San Bernardino Valley

1. Approve Resolution 11-004 identifying Valley Transportation Services to act as a CTSA for the San Bernardino Valley, as required in Section 6680 of Title 21 of the California Code of Regulations, and contingent upon the legal formation of such a nonprofit corporation.

2. Appoint Michael Bair, Floyd Petersen and Gary Madden as the SANBAG appointees to the CTSA Board of Directors to act as the original incorporators of the nonprofit corporation.

3. Authorize a Budget Amendment to increase Task No. 31911000 Social Service Transportation in the amount of \$250,000 from Measure I 2010-2040 Valley Senior and Disabled Transit funds.

4. Decrease Task No. 51311000 Measure I Elderly/Disabled Transit in the amount of \$250,000 to fund SANBAG staff time, agency resources and miscellaneous expenditures necessary to establish the CTSA.
Mitch Alderman

This item was reviewed by the Commuter Rail and Transit Committee on August 19, 2010 and unanimously recommended for approval. | Pg. 165 | Approved Consent |

Consent Calendar Continued....**Transit/Commuter Rail (Cont.)****23. Railroad Right-of-Way Property Management**

Pg. 177

Approved Consent

1. Authorize staff to release a Request for Proposals (RFP) 11050 for Railroad Right-of-Way Property Management services.

2. Direct staff to prepare a letter to the Los Angeles County Metropolitan Transportation Authority (LACMTA) to terminate Property Management Agreement 94-050. **Ryan Graham**

This item was reviewed by the Commuter Rail and Transit Committee on August 19, 2010 and unanimously recommended for approval.

Transportation Programs & Fund Administration**24. Valley Measure I Major Street Program Jurisdiction Master Agreement with the City of Rialto**

Pg. 185

Approved Consent

Approve the Valley Measure I Major Street Program Jurisdiction Master Agreement C10253 with the City of Rialto in the Amount of \$247,690. **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Committee on August 18, 2010. The Jurisdiction Master Agreement has been reviewed by SANBAG counsel and approved by the city council.

25. Capital Project Needs Analysis (CPNA) Submittals for FY 2011-2012

Pg. 200

Approved Consent

Information on SANBAG's Capital Project Needs Analysis Submittal Process for FY 2011-2012. **Ty Schuiling**

This item was reviewed by the Plans and Programs Committee on August 18, 2010.

DISCUSSION ITEMS**Urgency Agenda Item****25A. Operation Control of Ontario International Airport**

Support and endorse SCAG's recommendation to the City of Los Angeles to transfer operating control of the Ontario International Airport to the City of Ontario to facilitate economic recovery and position for long-term growth.

Motion to approve by Alan Wapner, second by Gary Ovitt. Motion carried unanimously. This matter was brought directly to the SANBAG Board of Directors by Mayor Pro Tem Alan Wapner as a result a staff report was not prepared.

**MOVED:
Wapner
SECOND:
Ovitt
26-0-0**

Discussion Items Continued... ..**Transit/Commuter Rail**

26. **Southern California Regional Rail Authority use of the High Speed Passenger Train Proposition 1A Bond Funds for Positive Train Control** Pg. 202

1. Authorize the Board President to execute a Memorandum of Understanding (MOU) C11047 with the Southern California Regional Rail Authority (SCRRA) for use of the High Speed Passenger Train Proposition 1A bond funds for positive train control (PTC) and other projects through the execution of a Letter of No Prejudice (LONP) with the California Transportation Commission (CTC) and associated authorization legislation.

2. Authorize the Board President to execute an annual Memorandum of Understanding or other agreements as needed with SCRRA and other entities to allow for allocation of funds as authorized.
Ryan Graham

This item was reviewed by the Commuter Rail and Transit Committee on August 19, 2010 and unanimously recommended for approval.

MOVED:
Gilbreath
SECOND:
Morris
26-0-0

27. **Funding Commitment and Letter of Support to Southern California Regional Rail Authority for a Letter of No Prejudice request to the California Transportation Commission for Positive Train Control** Pg. 220

1. Approve the commitment of \$12,396,377 to advance Proposition 1A High Speed Rail Bond Act funds, should they be necessary, until bond funds can be sold by the state and allocated to the Southern California Regional Rail Authority.

2. Authorize the Executive Director to sign a letter of support for the Southern California Regional Rail Authority's request for a Letter of No Prejudice from the California Transportation Commission for Positive Train Control. **Ryan Graham**

This item was reviewed by the Commuter Rail and Transit Committee on August 19, 2010 and unanimously recommended for approval.

MOVED:
Morris
SECOND:
Rigsby
26-0-0

Discussion Items Continued... .

Subregional Transportation Planning & Programming

28. California Air Resources Board (ARB) Proposed Regional Greenhouse Gas Emission Reduction 2020 and 2035 Targets for Automobiles and Light Trucks Pursuant to Senate Bill (SB) 375 Pg. 226

Receive report. Ty Schuiling

This item was reviewed by the Plans and Programs Policy Committee on August 18, 2010.

Revised Recommendation: Endorse the Southern California Association of Governments (SCAG) staff recommendation to support the California Air Resources Board recommended gas targets with SCAG's recommended conditions:

- Restoration of previous levels of State funding for transportation, transit in particular.
- Continued leadership by the regional partners to increase availability of State funds for the region.
- Continued partnership by the state and regional partners to increase availability of state funding for the region.
- Continued partnership and commitment from each County Transportation Commission to support the sustainable community strategy development process including a focus on non-motorized transportation solutions.
- Continued leadership by the regional leaders to increase availability of federal funding through the next transportation authorization and through climate change legislation.
- Commitment by ARB to work with the MPOs local government, state agencies and the Legislature to identify, pursue and secure adequate incentives and sustainable sources of funding for local and regional planning and other activities related to the implementation of SB375.
- Targeted increase in funding commitments for Travel Demand Management non motorized transportation, transit, transportation, redevelopment and other necessary funding from Federal, State and local agencies.
- Timely implementation of the proposed acceleration for Measure R projects in Los Angeles County.
- Improvements in land use planning in cooperation with local governments mostly at the neighborhood level.
- Expanded funding for compass blueprint demonstration projects.
- Implementation of green cities voluntary recognition and awards programs.

There was some concern expressed by Board Members regarding the lack of funding to implement the programs necessary to reach the targets and moving forward on verbal commitments when there is still undefined data in certain targets.

MOVED:

Yates

SECOND:

Gonzales

23-3-0

OPPOSED:

Mitzelfelt

Biane

J. Williams

Other Matters

29. Consent Calendar Items Pulled for Discussion: Agenda 12

Comments from Board Members

Council Member McCallon announced that SCAG is having their Economic Development Summit on December 2nd at the Wilshire Grand Hotel.

Public Comment: NONE

Adjourned To:

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code §54956.8

Property: 1805 S. Tippecanoe, San Bernardino CA 92408

Agency Negotiator: Mitch Alderman

Negotiating party/parties: Patrick C. & Wensung Hsu

Under negotiation: Price

Reconvened To Regular Session:

There was no reportable action from Closed Session.

ADJOURNMENT at 10:50 a.m.

Additional Information

Agency Reports/Committee Memberships

Commuter Rail Report Pg. 255

Mayor Pro Tem Patricia Gilbreath

South Coast Air Quality Management Report *(No report this month)*

Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee (MSRC) Pg. 258

Council Member Gwenn Norton-Perry

SCAG Committees Pg. 261

SCAG Regional Council

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees Pg. 262

Acronym List Pg. 265

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.